

## INFORMATION ITEM

### Delta Plan Five-Year Review

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**Summary:** This report discusses a proposed Council staff approach for the legally-mandated five-year review of the Delta Plan. The chief deputy executive officer will present an overview of the process, and discuss proposed deliverables and schedule.

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### Background

The Delta Plan, adopted in 2013, was developed over the course of three years, with hundreds of hours of public input and debate over the narrative content, recommendations, regulations, and performance measures. Since 2013, the Council has amended the Delta Plan twice, first to update performance measures, and then to remove a sunset-clause for Single-Year Water transfers. And the Council is currently undergoing environmental review to amend the Delta Plan to include the Delta Levees Investment Strategy, refined Performance Measures, and recommendations for Conveyance, Storage Systems, and the Operation of Both. The Council will be considering an amendment to Chapter 4, *Preserve, Protect and Enhance the Delta Ecosystem* in 2018. Each of the amendments thus far has been topic-specific and not yet involved a full performance evaluation of the Plan.

The Delta Reform Act states that “The Council shall review the Delta Plan at least once every five years and may revise it as the Council deems appropriate...” (Water Code section 85300 (c)). As such, Council staff has developed a proposed approach to undertake the review of the Delta Plan in 2018.

### **Proposed Approach to the Five-Year Review of the Delta Plan**

In addition to requiring adaptive management for certain proposed covered actions, the Council, as described in Chapter 2 of the Delta Plan, committed to using adaptive management to develop, implement, and update the Delta Plan. This adaptive management approach falls into three broad phases: Plan, Do, and Evaluate and Respond.

The third phase of Delta Plan adaptive management is “Evaluate and Respond.” As described in Chapter 2 of the Delta Plan, when updating the Delta Plan, the Council will consider information from other adaptive management activities in the Delta; evaluation of Delta Plan policies and recommendations; performance measures; and other completed plans or reports related to the Delta. The Council will rely in large part on the Delta Science Program for determining the relevance, value, and reliability of the best available science, and organizing that information for its use in the Council’s decisions.

Staff is proposing to conduct a review of the Delta Plan using the following steps:

- 1) Initial Assessment: Staff will conduct an initial assessment of Delta Plan content and evaluate the need for changes. The narrative will be reviewed for basic clean-up and updates, for example, the Sustainable Groundwater Management Act, adopted by the California Legislature in 2014, was not anticipated by the Delta Plan, and will need to be identified as a key policy driver of water supply reliability. Furthermore, references to the Bay-Delta Conservation Plan could be removed, clarified, or otherwise updated. Dates or references associated with major plans, such as the Central Valley Flood Protection Plan, could be updated.
- 2) Evaluation of Plan Implementation Efforts: Staff will conduct a high-level assessment of plan performance and implementation by reviewing our administrative performance measures and early consultation/covered actions process. A review of administrative performance measures was initiated at the April 2016 Delta Plan Interagency Implementation Committee meeting, and staff will continue to conduct evaluation meetings with agencies. Administrative performance measures assess whether Delta Plan recommendations were completed or whether they are inactive, or ongoing. Staff are currently working internally to review our early consultation and covered actions procedures to ensure there is broad understanding of the process among potential applicants and appellants to reduce confusion and maximize Delta Plan compliance.
- 3) Development of Recommendations Report: Staff will develop a new executive-level recommendations report to include outcomes from the initial assessment and evaluation of plan implementation efforts (i.e., administrative performance measures and covered actions/early consultation process). The report will describe the major accomplishments over the initial five-year period of Delta Plan implementation, and identify major policy and management challenges to anticipate in the next five to ten years. The report will also make recommendations on how to strengthen the Delta Plan and the Council's role to achieve the coequal goals.

Staff is recommending that we take a proactive approach to developing an action plan for future amendments and revisions to the Delta Plan, and will include a proposed schedule for future amendments in the report. Overall, this document could be similar in format to the Council's annual report, but with more detail and an included future focus.

- 4) Delta Plan Chapter Revisions: Staff is not proposing reissuing a fully revised Delta Plan. There will, however, be sections or even chapters of the Delta Plan where narrative text will be updated. For example, Chapter 2, *The Delta Plan*, which includes information about how the plan will be implemented, would likely be revised. Additional chapters may require clean up within the narrative text. Staff does not expect that any of the revisions would trigger environmental impact review under the California Environmental Quality Act (e.g. this review is not expected to add regulations or recommendations to the Delta Plan, but instead will focus on identifying the need for, and timing of, future substantive amendments).

### **Schedule**

In consideration of other ongoing efforts, staff will provide an update to the Council following the completion of the initial assessment and evaluation, soon followed by a preliminary recommendations report to the Council in Spring 2018; a draft executive-level summary report in Fall 2018; and a final report with an implementation schedule by the end of 2018.

### **Fiscal Information**

Consultant services required to assist with the five-year review process are in place and under contract. No additional funding is needed to complete the process as described. Future funding will need to be secured to pursue additional Delta Plan amendments and associated environmental review.

### **List of Attachments**

Attachment 1: Chapter 2, *The Delta Plan*

### **Contact**

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